
SCOTTISH STATUTORY INSTRUMENTS

2007 No. 1

**The Products of Animal Origin (Third
Country Imports) (Scotland) Regulations 2007**

PART 9

Charges for Veterinary Checks

Payment of charges

54.—(1) A reasonable charge calculated in accordance with regulations 55 and 56 and Schedule 3 must be made for veterinary checks carried out on a consignment at a border inspection post.

(2) The charge must be made by and payable to the Scottish Ministers, a local authority or the Agency, whichever is responsible, under regulation 5, for enforcing these Regulations at the border inspection post where the veterinary checks are carried out.

Calculation of charges

55. The charge for veterinary checks must cover the costs listed in Part I of Schedule 3 and must be calculated in accordance with Part II, III, IV or V, as the case may be, of Schedule 3.

Conversion of charges to sterling

56. Charges expressed in euro in Schedule 3 must be converted to pounds sterling at the rate of conversion published in the “C” Series of the Official Journal of the European Communities in September of the calendar year preceding that in which the relevant veterinary check was carried out.

Liability for charges

57. The person responsible for a consignment must pay on demand the charge made for the veterinary checks carried out on the consignment.

Information relating to charges

58.—(1) The Scottish Ministers, a local authority or the Agency must, if so requested in writing, supply to any person who presents products under regulation 18, or to any organisation representing such persons, details of the calculations which they or it use to determine charges for veterinary checks and must take into account any representations made by such a person or organisation in determining such charges.

(2) If requested in writing so to do by the Scottish Ministers or the Agency, a local authority must provide the Scottish Ministers or the Agency, as the case may be, with such information as they or it may require relating to the calculation of charges for veterinary checks, and with copies of any written representations made by persons or organisations referred to in paragraph (1).

Appeals against charges paid to local authorities

59.—(1) Any person who has paid a charge for veterinary checks to a local authority, and any organisation representing such persons, may, within twenty-one days of the charge being made, appeal in writing on the ground that the amount of the charge is unreasonable—

- (a) to the Scottish Ministers, where the charge is for veterinary checks carried out otherwise than in relation to any function of the Agency; and
- (b) to the Agency, where the charge is for veterinary checks carried out in relation to any function of the Agency.

(2) Where there is an appeal under paragraph (1), the Scottish Ministers or the Agency, as the case may be, must—

- (a) consult with the local authority; and
- (b) if satisfied that the amount of the charge is unreasonable, so inform the local authority.

(3) When informed under paragraph (2)(b), the local authority must—

- (a) recalculate the amount of the charge in accordance with any directions given by the Scottish Ministers or the Agency, as the case may be; and
- (b) repay to the person who has paid the charge the difference between the original charge and the recalculated charge.

Appeals against charges paid to the Scottish Ministers or the Agency

60.—(1) Any person who has paid a charge for veterinary checks to the Scottish Ministers or the Agency, and any organisation representing such persons, may, within twenty-one days of the charge being made, give notice in writing of that person's wish to appeal to an independent person appointed by the Scottish Ministers, or, where the charge was paid to the Agency, to an independent person appointed by the Agency, on the ground that the amount of the charge is unreasonable.

(2) Where the charge was paid to the Agency, the functions of the Scottish Ministers in paragraphs (3) to (4) must be performed by the Agency.

(3) Where an appellant gives notice of that person's wish to appear before and be heard by an independent person appointed for the purpose—

- (a) the Scottish Ministers must appoint an independent person to hear representations and specify a time limit within which representations to that independent person must be made;
- (b) the person so appointed must not, except with the consent of the appellant, be an officer or servant of the Scottish Ministers;
- (c) if the appellant so requests, the hearing must be in public;
- (d) the independent person must report to the Scottish Ministers; and
- (e) if the appellant so requests, the Scottish Ministers must provide the appellant with a copy of the independent person's report.

(4) If the independent person is satisfied that the amount of the charge is unreasonable, the Scottish Ministers must recalculate the charge in accordance with any directions given by the independent person and repay to the person who has paid the charge the difference between the original charge and the recalculated charge.